

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-00367-01/02-CR-W-HFS
)	
TAM TRAN and TUYETMAI THI LUU,)	
)	
Defendants.)	

ORDER

This ruling is based on a report and recommendation (Doc. 76) to deny a joint motion to suppress (Doc. 53). There are no objections filed, although the time for objections had expired. Nevertheless, I have examined the transcripts of the suppression hearing. After considering the report it seems that largely factual issues were presented to Judge Maughmer, and that he reasonably recommended resolving them in favor of the Government. Consents to search, despite some language barriers and probable excitement seem entirely probable, and no intimidation by law enforcement personnel seems to have occurred.

The realistic likelihood of voluntary consents is somewhat greater than in the usual case because it seems likely that defendant Tran, if he was aware of marijuana plants (which may become a jury question), may have sought to cast blame on persons who rented the premises to him, and to protest his innocence despite the presence of marijuana. This would be consistent with inviting law enforcement personnel to look around.

The report and recommendation is hereby ADOPTED and the joint motion to suppress (Doc. 53) is DENIED.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

July 23, 2009

Kansas City, Missouri